

Application No. 10/595,989

Amdt. Dated: November 16, 2010

Reply to Advisory Action Dated: November 3, 2010

REMARKS/ARGUMENTS

The Examiner is thanked for the Advisory Action mailed November 3, 2010, and the courtesies extended during the telephone interview of November 11, 2010. The status of the application is as follows:

- Claims 1, 3-11, and 13-21 are pending, claims 13-15 has been amended, and claim 12 has been cancelled;
- Claims 1, 3-7, 11, and 13-21 are allowable;
- Claims 12-19 are objected to; and
- Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinman (US 4,597,094) in view of Mahnken et al. (Detection of Colony Calcifications: Feasibility of Dose Reduction with a Body Weight-Adjusted Examination Protocol; Auguat 2003; AJR; 181:533-538) and in further view of Hsieh (US 5,696,807).

The objections and rejections are discussed below.

The Objection to Claim 12-19

Claims 12-19 stand objected to for informalities. In particular, claim 12 is objected to for lack of antecedent basis, and claim 13-19 are objected to for depending from claim 12. The objection to these claims should be withdrawn in view of the amendments herein in which claim 12 has been cancelled and the dependencies of claims 13-15 has been changed from claim 12 to claim 8, and because claims 14-19 indirectly depend from claim 8 through at least one of these claims.

The Rejection of Claims 8-10 under 35 U.S.C. 103(a)

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinman in view of Mahnken et al and Hsieh. During the telephone interview of November 11, 2010, the claim aspect “a constant selected in accordance with a targeted noise level” (of independent claim 8) was discussed. Based on the telephone interview, applicant understands that the Office agrees that the references of record do not teach or suggest this claim aspect and that the Office is going to withdraw the subject rejection and issue a notice of allowance, pending results of further prior art search. Moreover, the subject claims are patentably distinguishable over the

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references of record for at least the other arguments set forth in the reply to the final Office Action.

Conclusion

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,



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